

Application No. 10/802,385
Amendment Dated April 11, 2007
Reply to Office Action of November 13, 2006

REMARKS

Claims 1-12, 14, 15, 17 and 19-27 have been cancelled, claims 13 and 16 have been amended and new claims 28-34 have been added. Thus, claims 13, 16, 18 and 28-34 are currently pending. The specification has been amended via a Second Replacement Specification to correct typographical errors and improve the consistency of terminology used in the specification. No new matter has been introduced.

I. Objection to the Specification under 35 USC 132(a)

The Examiner has objected to the specification as including new matter. In order to expedite prosecution of this Application, most of the language to which the Examiner has objected has been deleted as indicated in the marked-up version of the Second Replacement Specification (see Appendix C).

With regard to the arc 354 described on page 12, paragraph [0029a], the Examiner has objected to the statement indicating that the arc 354 needs to be greater than 180 degrees to retain the threaded shaft of screw 22 in the receptacle 10 as new matter. It is respectfully submitted that this statement is not new matter for the following reasons. Firstly, as the Examiner has pointed out, in one example, the arc 354 is calculated to equal a number greater than 180 degrees (see page 13, the arc is calculated to equal 297.96 degrees). Secondly, the figures show the arc 354 as being greater than 180 degrees. Thirdly, it is logically inherent that an arc cannot retain a screw if the arc is less than 180 degrees because the arc would necessarily define an opening greater or equal to the diameter of the screw, which would allow the screw to escape the receptacle.

In addition, the Examiner has objected to various informalities in the specification. As indicated in the marked-up version of the Second Replacement Specification the following informalities have been amended. On page 10, line 3, "retention" has been amended to read --engaging--. On page 12, line 3, "Fig. 4" has been amended to read --Fig. 3--. On page 14, line 20, "Fig. 4" has been amended to read --Fig. 8--.

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It is therefore respectfully requested that this objection be withdrawn.

II. Rejection of Claims 8-27 Under 35 USC 112, First Paragraph

The Examiner rejected claims 8-27 under 35 USC 112, first paragraph as failing to comply with the written description requirement because the claims contain subject matter that was not described in the specification. For example, the Examiner rejects reference to the arc of surface 6 as "at least 180 degrees." In another example, the Examiner rejects reference to the radius of the arc of surface 265 as "decreasing."

In order to expedite prosecution, claims 8-12, 14, 15, 17 and 19-27 have been cancelled and claim 13 (and thus dependent claims 16 and 18) has been amended to delete reference to 180 degrees.

With regard to claim 16, it is asserted that the limitation "wherein the arc of the engaging track has a radius that decreases toward the tip" is supported by the specification and drawings as filed. For example, original Fig. 2 clearly shows that the radius of the arc of surface 265 decreases toward the tip. An expanded view of original Fig. 2 is shown in Appendix A to which reference number 265, two circles A and B and reference letters RA and RB are added for clarity. Original Fig. 2 is a shop drawing and is therefore to scale. The radius of surface corresponds to the radii of at least two circles A and B. The portion of surface 265 located away from the tip has a radius corresponding to that of circle A (RA). In contrast, the portion of surface 265 located towards and at the tip has a radius corresponding to that of circle B (RB). RA is clearly larger than RB. Thus, the radius of the arc of surface 265 decreases towards the tip.

Therefore, it is respectfully requested that the rejection be withdrawn.

III. Rejection of Claims 13-16, 20-23, 25 and 27 under 35 USC 102(b)

The Examiner has rejected claims 13-16, 20-23, 25 and 27 under 35 USC 102(b) as being anticipated by U.S. Pat. No. 5,204,147 ("Schneider"). Claims 14, 15 and 20-27 have been cancelled and claim 13 has been amended. It is respectfully submitted that Schneider does not

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anticipate claim 13 because Schneider fails to teach all the limitations of claim 13 and dependent claims 16 and 18.

Schneider discloses a roller shutter rod with a double-wall design.

Claim 13 as amended recites that “receptacle track includes a discontiguous articulation surface having a first concave articulation surface having an end adjacent the body and an end adjacent an aperture of an articulation area spaced a distance apart from a second concave articulation surface having an end adjacent the body and an end adjacent the aperture and a gap in the discontiguous articulation surface being disposed between adjacent ends of the first and second articulation surfaces, a lip adjacent to the first articulation surface extending away from the first articulation surface towards the second articulation surface, and a curved surface extending along an arc at least 210 degrees from the first concave articulation surface to the second concave articulation surface defining a gap in the discontiguous articulation surface being disposed between the first and second articulation surfaces.” which recites limitations not found in Schneider. The Examiner indicates that he interprets Schneider as disclosing that the “receptacle track has a lip (defining the left edge of the opening into receptacle 5), a first articulation surface (clockwise from the lip), a second articulation surface at the top of the receptacle 5, the surfaces being separated by a planar portion.” It is assumed that the Examiner means that the first articulation surface is the top surface of what is referred to in this application as the lip, and that the lip is only the tip of what is described in this application as the lip, the second articulation surface is the curved surface at the top of the receptacle and the straight planar wall on the left side of the interior of the receptacle provides the displacement between the first and second articulation surfaces. This being the case, the lip does not extend away from the first articulation surface toward the second articulation surface nor does the planar wall meet gap limitation. Thus, for at least the reasons stated above, Schneider does not disclose all of the elements and limitations of claim 13. That being so, claim 13, and claims 16 and 18 which depend from claim 13, are allowable over Schneider. Finally, claim 18 as amended includes limitations not found in Schneider.

Therefore, it is respectfully requested that the rejection be withdrawn.

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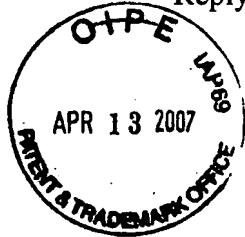
IV. New Claims 28-34

Claims 28-34 all recite a receptacle configured to receive a retention device. Thus, it is respectfully submitted that claims 28-34 are not anticipated by Schneider because Schneider does not teach all the limitations of claims 28-34.

III. Provisional Rejection of Claims 8-27 on the Grounds of Obviousness-Type Double Patenting

The Examiner provisionally rejected claims 8-27 on the ground of non-statutory double patenting as being unpatentable over claims 28-47 of co-pending application no. 11/058,879 in view of Schneider. Claims 8-12, 14, 15, 17 and 19-27 have been cancelled. As amended, claims 13, 16, 18 and 28-32 are patentably distinct over claims 28-47 in the co-pending application in view of Schneider. In the event that the current and co-pending applications would result in obviousness-type double patenting, an appropriate terminal disclaimer will be filed in the appropriate application.

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CONCLUSIONS

It is respectfully submitted that pending claims 13, 16, 18 and 28-34 are in condition for allowance, and such allowance is hereby requested.

Enclosed herewith is a Petition for Extension of Time containing an authorization to charge the \$225.00 to cover the small entity fee for a two (2) month extension of time to our Deposit Account No. 09-0007. Additionally, please charge any additional fees for extensions of time or excess claims that may be necessary to our Deposit Account No. 09-0007.

Respectfully submitted,

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Date: April 11, 2007

DBQ:pgf
Enclosures: Appendix A
Appendix B
Appendix C
Petition for Extension of Time
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cc: James V. Miller

REPLACEMENT SPECIFICATIONS**LOW-CLEARANCE SHUTTER SLAT****[0001] 1. Field of the Invention**

[0002] The present invention relates to shutters and in particular to shutters of the roller type having improved resistance to storms and break-ins. It furthermore relates to a shutter having improved retraction capability.

[0003] 2. Description of the Related Art

[0004] Conventional roller shutters are designed to provide security from break-ins or protection from storms. Because such protection and security may not always be necessary or desired, such as during the day when a retail store is open for business, or during fine weather when a homeowner wishes to open windows or enjoy an ocean view, roller shutters are designed to be retractable into a casing in which they are stored. To facilitate compact storage, rigid shutter slats designed to resist hurricane winds and burglars must be capable of conforming to a roll.

[0005] One conventional shutter slat is made to conform to a roll by providing a loose articulation between slats. Slats are slidably engaged at the upper edge of one slat and the lower edge of another slat. The upper edge comprises a vertical projection terminating in a hook-shaped profile. The lower edge comprises a first portion and a second portion, which define a vertical pocket. The hook-shaped profile of the upper edge allows the upper edge to engage the first portion of the lower edge, also having a hook-shaped profile. The upper edge is prevented from undesirably disengaging by the second portion of the lower edge, which comprises a guard extending downward to slightly below the hook-shaped profile of the lower edge, defining a

